



Opening Statement of Senator Feinstein at Judiciary Subcommittee Hearing
on Failure of DHS to Implement U.S. VISIT Program at 50 Busiest
Land Border Crossings

January 31, 2007

Washington, DC – *At a Judiciary Subcommittee on Terrorism, Technology and Homeland Security hearing, U.S. Senator Dianne Feinstein (D-Calif.) today delivered remarks regarding the Department of Homeland Security's failure to implement the US VISIT program at 50 of the country's busiest land border crossings.*

The following is Senator Feinstein's prepared opening remarks for the subcommittee hearing, "US-VISIT: Challenges and Strategies for Securing the U.S. Border:

"I have long been concerned about the interplay between immigration and national security. I believe that we will not be able to protect our nation effectively until we can protect our borders. We must know who is coming in and out of our country.

The Congressional mandate to create a system for tracking who enters and leaves this country was first codified in 1996 with a deadline of establishing a workable program by September 30, 1998, almost ten years ago.

Since that time, Congress has extended the deadline over and over again.

Time and time again, we have sacrificed our border security because of inaction or slow action by the federal government.

According to the 9/11 National Commission Staff Report on Terrorist Travel, prior to September 11, 2001, no agency of the U.S. government thought of border security as a tool in the counterterrorism arsenal.

September 11, and subsequent terrorist actions, have made this goal a priority and have exposed our country's vulnerability.

Yet, over five years later, the federal government has failed to devote sufficient time, technology, personnel and resources to making border security a cornerstone of our national security policy.

In 2003, five years after its first deadline in 1998, the Department of Homeland Security created the US-VISIT program to implement an automated system for documenting entry and exit by capturing biometric information.

US-VISIT is an important program that has done a decent job of monitoring the entry of the millions of visitors to the United States.

But there is still much more work to be done. It is not enough to know who is entering the country.

Today, over ten years after the initial Congressional mandate, we still do not have a reliable means of measuring who leaves our country.

We are here today to examine the challenges to implementing a workable system to document who leaves this country.

The Department of Homeland Security has essentially declared that the EXIT program is dead as far as the land borders are concerned. This is a serious problem.

There are over 425 million border crossings at U.S. borders every year.

Yet, because we don't know who is leaving the country, we do not know who, of these 425 million, is overstaying a visa versus who is playing by the rules.

We do know that in 2004, there were 335.3 million crossings at land ports of entry. About 4.6 million people who crossed by land were eligible for US-VISIT screening. And we have no way of knowing whether any of those 4.6 million people ever left the country.

I understand that the 4.6 million people subject to US-VISIT screening at land ports is only a fraction of the total number crossing each year.

I also understand the argument that more US-VISIT eligible persons come into country via airports than by land.

This argument does not convince me that we should shelve the exit program at the land border.

We must take seriously that we have left a gaping hole in our country's border.

Anyone coming in by air or by sea could leave undetected by way of one of our 170 land ports of entry on more than 7500 miles of border with Canada and Mexico

By failing to address exit at all ports, we are providing a blue print to those who wish to harm the United States.

Without implementing a comprehensive exit and entry system at all of our ports, we are leaving ourselves vulnerable to another attack.

The biggest problem here is that we still have not heard a sufficient explanation from the Department of Homeland Security as to the challenges to implementing exit at all ports.

The New York Times reported that Homeland Security claims that an exit program would cost “tens of billions of dollars” to implement, but we have yet to see a breakdown of these costs or a good faith explanation of what is at stake here.

The Department of Homeland Security has failed to meet their June 2005 statutory requirement to submit a report to Congress describing

- (1) the status of biometric exit data systems already in use at ports of entry and**
- (2) the matter in which US-VISIT is to meet the goal of a comprehensive screening system, with both entry and exit biometric capability.**

I am disappointed that the Department of Homeland Security has failed to submit this report and I call on them to expedite this report to Congress.

I hope today that we can have an honest discussion about implementing a workable entry-exit system. We need straightforward answers to what needs to be done -- now, over ten years after Congress’s initial mandate -- to make this program work.”

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